REMARKS/ARGUMENTS

Claims 1-35 are pending herein, claims 1 and 18 being independent. By the amendment above, claims 1-3, 5, 7, 18-20, 22 and 24 have been amended. The amendment to Claim 1 essentially comprises adding the limitations of (original) Claim 4 thereto, and the amendment to Claim 18 essentially comprises adding the limitations of (original) claim 21 thereto. Claims 4 and 21 have therefore been canceled. The remaining amendments are believed to be cosmetic in nature and do not affect the scope of the claims amended. New dependent claims 36 and 37 have been added, depending from claims 5 and 22, respectively.

In the pending Office Action, the Examiner objected to the drawings as they were informal. By the amendment above, new formal drawings have been submitted. In addition, the Examiner objected to Fig. 1 of the drawings, as legends for elements 36, 38 and 40 were not included. Applicants have amended Fig. 1 to add the legends requested by the Examiner. No new matter has been added, as the legends comprises the text explanation of the reference numerals specifically recited in the specification at paragraph [0024] Accordingly, withdrawal of this objection is requested.

The Examiner then rejected claim 24 under 35 U.S.C. § 112 (2d Para.) as indefinite. Claim 24, as filed, was incorrectly characterized as a method claim depending from independent system claim 18. This typographical error has been corrected, and (system) claim 24 has been amended to recite correctly the structural elements intended, and to depend, as was also intended, from claim 18 as originally filed. Withdrawal of this rejection is therefore solicited.

The Examiner also rejected claims 6 and 23 under 35 U.S.C. § 112 (second para.) as indefinite, for use of the term "sufficient to allow". Applicants have carefully considered the Examiner's rejection, and respectfully submits that claims 6 and 23 as filed are definite. The term

to which the Examiner objects specifies that the predetermined time for which the inventive method (claim 6) or system (claim 23) must wait to attempt to re-establish connection between a mobile terminal and another terminal on the network is "sufficient to allow [the] battery [of the mobile terminal] to be changed." It is respectfully submitted that it would not require undue experimentation for one of ordinary skill in the art to determine the length of time necessary to change the battery in a specific mobile phone. This length of time depends in part upon physical the configuration of the specific model of mobile phone, and how long it would take for an average user to change the battery in that model of mobile phone. Claims 6 and 23 are definite, in that they specifically describe the act to be taken, and one of ordinary skill in the art would be able to determine an appropriate length of time to delay the handover to permit the user to change the battery in the specific mobile phone of concern. Accordingly, withdrawal of this rejection is solicited.

In addition, it is noted that new dependent claims 36 and 37 define a minimum amount of time of 15 seconds before attempting to re-establish the lost connection, as specifically recited in the specification at para. [0026].

The Examiner next rejected claims 1-5, 8-22 and 25-35 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,862,208 (MeLampy, *et al.*); and claims 6-7 and 23-24 under 35 U.S.C. § 103(a) as obvious over MeLampy, *et al.* in view of knowledge alleged to be generally available to one of ordinary skill in the art. The applicants have carefully considered the Examiner's rejections, and the arguments presented in support thereof, and find that they cannot agree therewith. It is respectfully submitted that the claims as amended are neither taught nor suggested by the MeLampy, *et al.* reference, together with the "knowledge generally available to

one of ordinary skill in the art" or with any of the art of record herein. Accordingly, withdrawal of these rejections is respectfully solicited.

The invention is directed to a method and system for handing over a wireless connection established over a network. The connection is between a mobile terminal, such as a mobile phone, and another terminal, which may be another mobile phone, a "land line" or any other type of terminal. The mobile terminal has a battery. According to the invention, the power level of the battery of the mobile terminal is monitored, and when the power level of that battery dips below a predetermined level, the connection is handed off to another terminal before the battery goes dead, thereby preserving the connection. In one embodiment of the invention (claims 5 and 22) the invention provides for attempting to re-establish the connection after the user of the mobile terminal has an opportunity to change batteries, so that the original connection may be re-established and preserved. This is nowhere shown in the art applied by the Examiner.

The only reference applied by the Examiner is the MeLampy, *et al.* patent which fails to teach or suggest the handover of a mobile connection *before* the loss of battery power. MeLampy, *et al.* teach a method and system for enabling a party to change terminals during a call, in which a mobile telephone user may go from a mobile phone to a land line phone, and *vice-versa* (*see*, col. 3, lines 49-50). MeLampy, *et al.*, however, do not teach monitoring the power level of the battery of the mobile phone to *prevent* loss of connection prior to disconnect. In fact, MeLampy, *et al.* expressly teach checking for "triggers" which fire on the occurrence of certain events (*see* col. 3, lines 5-8), including a *complete* loss of battery power causing a disconnect (*see*, col. 1, lines 30-35). MeLampy, *et al.* expressly describe their invention as "provid[ing] a connection safeguard by waiting for a disconnect to occur" (col. 3, lines 10-11). They do not teach *avoiding* a disconnect by

handing off the connection *before* it is lost, which is the exact circumstance contemplated by the invention claimed herein.

In fact, the invention herein is designed to avoid the circumstances under which MeLampy, *et al.* contemplate using their invention, and the invention thereby avoids the risks inherent in attempt to re-establish a connection *after* it is lost, rather than while it is still in progress. Thus, the invention as claimed and described is neither taught nor suggested by the references applied by the Examiner, and is patentable over the references applied by the Examiner.

As noted, the limitation discussed above, namely the monitoring of the level of battery power and the transfer of a connection before it is lost, was contained in original claims 4 and 21. The Examiner rejected original claims 4 and 21 as anticipated by MeLampy, *et al.*, taking the position that MeLampy, *et al.* taught the limitations of those claims. The Examiner (*see* p. 5 of the Office Action) took the position that MeLampy, *et al.* taught monitoring the level of battery power because the patented method inherently monitored the condition of low battery power. No specific citation to the MeLampy, *et al.* patent was provided for this proposition, however. It is respectfully submitted, instead, that MeLampy, *et al.*, do *not* teach monitoring the power level of the battery. Rather, MeLampy, *et al.* expressly teach reacting to a disconnect (or "hangup") which may result from, among other things, a *dead* battery. (*see*, col. 3, lines 9-01: "The invention provides a connection safeguard by waiting for a disconnect to occur. . ."; generally col. 6, lines 42-61; col. 6, lines 45-46: ". . . the use of 'triggers' established for hangup events"; col. 10, lines 7-9: "Triggers may be registered . . . to gain control of the call once a hangup has occurred on either end of a call."; col. 1, lines 33-34). MeLampy, *et al.* fail to teach or suggest the monitoring of the power level of the battery to avoid a hangup or disconnect, and therefore fail to teach or suggest this limitation of the claims.

Thus, the claimed invention is neither taught nor suggested by the references applied by the Examiner.

There being no further grounds for objection or rejection, therefore, it is respectfully submitted that the invention as claimed is allowable over the references applied by the Examiner in any combination. Early and favorable action with respect to the pending claims is therefore respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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